

REMARKS

Claims 1-40 are currently pending in this application. Applicant has amended claims 4 and 17 for reasons unrelated to patentability including clarity and to correct typographical errors. No new matter has been added. The Applicant thanks the Examiner and her supervisor for discussing this case with the Applicant's representatives on April 22, 2005. Although no consensus was reached, this response addresses issues raised during the discussion.

Rejection of Claims 1-40 under 35 U.S.C. §112

Claims 1-40 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement in view of the amendment to claims 1, 11, 17, 27, 34, 39, and 40 which recited that the database-structured query is performed on at least a non-database arrangement of content at the web domain address. The Applicant respectfully submits that there is sufficient basis for this claims language.

For example, the specification of the present application at page 3, lines 2-4 states:

A database-structured query is created that treats the content on the network as a searchable database. Data is extracted from the web domain address based on the database-structured query.

This portion of the specification clearly indicates the query is performed on the content of the web domain address as if that content were a searchable database. This statements implies that the content, or at least a portion of the content, is not in a database arrangement (i.e., it is in a non-database arrangement) and that the query is performed on at least this non-database arrangement. As indicated at M.P.E.P. §2163.03, "[t]he subject matter of the claim need not be described literally (i.e., using the same terms ...) in order for the disclosure to satisfy the description requirement." In this instance, the language in the claims is entirely supported by the disclosure provided in the specification and, therefore, the Applicant requests withdrawal of this rejection of the claims.

Rejection of Claims 1-40 under 35 U.S.C. §103

Claims 1, 3-11, 13-17, 19-21, 24, 26-30, 32-38, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,484,149 to Jammes et al. (“Jammes”) in view of U.S. Patent No. 6,654,754 to Knauft et al. (“Knauft”). Claims 2, 18, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable Jammes in view of Knauft and further in view of U.S. Patent No. 6,064,979 to Perkowski (“Perkowski”). Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over James in view of Knauft and further in view of U.S. Patent No. 6,105,043 to Francisco et al. (“Francisco”) or Perkowski. Claims 22-23 were rejected under 35 U.S.C. §103(a) as being unpatentable Jammes in view of Knauft and further in view of Francisco and U.S. Patent No. 6,466,940 to Mills (“Mills”). Claim 39 was rejected under 35 U.S.C. §103(a) as being unpatentable Jammes in view of Knauft and further in view of U.S. Patent No. 6,597,377 to MacPhail (“MacPhail”). Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable Jammes in view of Knauft and further in view of Francisco and MacPhail. The Applicant traverses these rejections.

None of the cited references teach or suggest performing a database-structured query upon at least a non-database arrangement of content at a web domain address as recited in the claims. The Office Action acknowledges that Jammes does not teach or suggest this claim element. The Office Action asserts, however, that this is performed by Knauft. The Applicant respectfully submits that this assertion is incorrect.

In particular, Knauft teaches using “spiders” to survey electronic resources on a network. (Col. 5, line 66 - Col. 6, line 6.) Knauft does not teach that these spiders are sent out in response to a query, but exist to identify any available electronic resources. Knauft further states that “[a]n indexing program ... reads the survey electronic documents and creates an index database based on the words contained in each of the surveyed electronic documents.” (Col. 6, lines 11-14, emphasis added.) In other words, the indexing program generates an index database from the content found by the spiders. Knauft continues: “When the user 102 enters a query using a selected one of the IR systems 208A-208M, the query is checked against the IR system’s index database. The best matches are then returned to the user 102 as ‘hits’” (Col. 6, lines

51-54, emphasis added.) According to Knauft, the query does not search the content from the electronic resources itself, but searches the index database created by the indexing program. Therefore, the query described by Knauft is not performed on a non-database arrangement of content, but is performed on a database generated by the IR system itself. Accordingly, Knauft does not teach or suggest performing a database-structured query upon at least a non-database arrangement of content at a web domain address as recited in the claims.

The Office Action acknowledges that the query in Knauft searches a database by stating, on p. 4 of the Office Action, “the query is checked against the IR system’s index database.” The Office Action then asserts that “[t]he above information shows that the system uses a user query to search documents on a database that is not a relational database.” It appears that the Office Action interprets the term “database” to refer to only a relational database. The Applicant respectfully submits that this limitation on the term “database” is unwarranted. The Free Online Dictionary of Computing (<http://wombat.doc.ic.ac.uk/foldoc/>) defines “database” as: “One or more large structured sets of persistent data, usually associated with software to update and query the data.” The Applicant respectfully submits that this definition represents what one of skill in the art would understand by the term “database.” Accordingly, the IR system’s index database (irregardless of whether it is a relational database or not) is a database and is, therefore, not a non-database arrangement of content. Accordingly, Knauft does not teach or suggest performing a database-structured query upon at least a non-database arrangement of content at a web domain address as recited in the claims.

None of the other cited references address these deficiencies of Jammes and Knauft and, accordingly, none of the cited references, alone or in combination, teach or suggest every element of the claims. For at least this reason, the Applicant submits that claims 1-40 are patentable over the cited references. Accordingly, the Applicant respectfully requests withdrawal of the rejections of these claims.

In addition, many of the dependent claims contain further patentable features that have not been adequately considered in the Office Action. For example, claims 4 and 12 recite that the web domain comprises links that are followed during the process of extracting data in

